

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

JENNIFER FORD, ERIC BEARD,
and **BRIAN OTTERS**, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

**VETERANS GUARDIAN VA
CLAIM CONSULTING, LLC,**

Defendant.

Case No. 1:23-cv-756-CCE-LPA

CLASS ACTION

JURY TRIAL DEMAND

**STIPULATED NOTICE OF DISMISSAL AS TO
PLAINTIFFS ABIGAYLE PATTERSON, CHRISTOPHER ITURBE,
DONALD KING, LARRY POWELL AND CATHERINE PERKINS**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and with the consent of the Defendant, Plaintiffs Abigayle Patterson, Christopher Iturbe, Donald King, Larry Powell, and Catherine Perkins (Patterson Plaintiffs¹) hereby voluntarily dismiss their claims against Defendant Veterans Guardian VA Claim Consulting, LLC, in the above-captioned action. Defendant stipulates to the dismissal based on the Parties' agreement that (1) Defendant will depose the Patterson Plaintiffs via Zoom and (2) each of the Patterson Plaintiffs will produce within 14 days² of their

¹ Plaintiff Brian Otters was originally named in the Patterson matter (Case No. 1:23-cv-00762 (M.D.N.C.)) and remains a named Plaintiff and Class Representative in the Consolidated Class Action Complaint. [DE 52].

² For the Patterson Plaintiffs currently within 14-days of their deposition date, they agree to produce documents in accordance with Rule 45 within 24 hours of the filing of this Stipulated Notice of Dismissal.

deposition the documents described in the Rule 45 Subpoenas served on them, to the extent the documents exist. Counsel for Patterson, Iturbe, King, Powell, and Perkins have accepted service of the Rule 45 Subpoenas and reserve the right to object to Defendant's Subpoenas and document requests. The Parties agree that Defendant will conduct discovery of the Patterson Plaintiffs and Counsel for the Patterson Plaintiffs will make objections only in accordance with Rule 45 of the Federal Rules of Civil Procedure, except that the Patterson Plaintiffs agree to waive Rule 45(b)(1)'s fee provision and that Defendant will not pay any fees to any of the Patterson Plaintiffs, and the Parties agree that notice and a copy of the Subpoenas have been served on each Party. This dismissal is without prejudice, shall not operate as an adjudication on the merits of the Patterson Plaintiffs' claims, and shall have no impact on the Patterson Plaintiffs' membership in the proposed classes and their right to share in any recovery obtained for the benefit of class members.

Respectfully submitted this the 21st day of March 2025.

/s/ Christopher J. Brochu
Christopher J. Brochu;*
Brian W. Warwick;*
Janet R. Varnell;*
VARNELL & WARWICK, P.A.
400 N Ashley Drive, Suite 1900
Tampa, FL 33602
Telephone: (352) 753-8600
Facsimile: (352) 504-3301
jvarnell@vandwlaw.com
bwarwick@vandwlaw.com
cbrochu@vandwlaw.com
ckoerner@vandwlaw.com

/s/ Dustin T. Greene
Dustin T. Greene NC Bar No. 38193
**KILPATRICK TOWNSEND &
STOCKTON LLP**
1001 West Fourth Street
Winston-Salem, NC 27101
Office: (336) 607-7300
Fax: (336) 607-7500
dgreene@kilpatricktownsend.com

/s/ Caroline L. Wolverton
Caroline L. Wolverton*
Anthony T. Pierce*
Madeline M. Bardi*
Christina Makarova Quiggle*

/s/ Jeffrey Osterwise
Jeffrey Osterwise; NC Bar No.: 39272
Shanon J. Carson*
Radha N. Raghavan*
BERGER MONTAGUE PC
1818 Market Street
Philadelphia, PA 191013
Telephone: (215) 875-4656
Facsimile: (215) 875-4604
josterwise@bm.net
scarson@bm.net
rraghavan@bm.net

*Appointed Interim Lead Counsel for
Plaintiffs and the Class*

/s/ Jon D. Pels
Jon D. Pels*
THE PELS LAW FIRM
4833 Rugby Avenue
3rd Floor
Bethesda, MD 20814
Telephone: (301) 986-5570
Facsimile: (301) 986-5571
jpels@pelslaw.com

/s/ Andrew L. Fitzgerald
Andrew L. Fitzgerald
North Carolina Bar No. 31522
FITZGERALD HANNA & SULLIVAN
3737 Glenwood Avenue, Suite 375
Raleigh, NC 27612
Telephone: (919) 863-9090
Fax: (919) 863-9096
andy@fhslitigation.com

*Counsel for Abigayle Patterson, Christopher
Iturbe, Donald King, Larry Powell, and
Catherine Perkins*

*by special appearance

**AKIN GUMP STRAUSS HAUER &
FELD LLP**

Robert S. Strauss Tower
2001 K Street N.W.
Washington, DC 20006
Tel: (202) 887-4000
Email: apierce@akingump.com
cwolverton@akingump.com

*Counsel for Defendant Veterans Guardian
VA Claim Consulting, LLC: All Cases*

*by special appearance

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2025, a copy of the foregoing document was filed using CM/ECF which will serve an electronic copy on all counsel of record.

/s/ Christopher J. Brochu
Christopher J. Brochu